

July 26, 2012

The Common Council met as the Water Utility Board at 7:00pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and Members Fuelling, Hoehn, Curtis and Higgins attending. Member Shelton was absent. Others attending were Attorney Higgins, Chief Beloit, Chief Dixon, Superintendent Gray, Street Commissioner Maynard, Sewer Superintendent Givens, Tom Hogan – Johnson Controls, Rich Demarco – Johnson Controls, Judy Thomann – BLA, Larry Williams, Mindy Bourne – Area Plan, Ed Adams, Steve Kopsolias, Ann Fisher, Nancy Sexton, Sara Manifold – Mt. Vernon Democrat, Pam Robinson – Posey County News.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added it not, he entertains a motion to waive the reading and approve the minutes as presented.

Board Member Hoehn moved the reading of the minutes be waived and they be approved as presented.
Seconded by Board Member Higgins.

Mayor Tucker asked if there were any discussion.
There was none.

Mayor Tucker asked all those in favor of the motion to signify in the affirmative; and following the vote he reported the motion carried unanimously.

Board Member Higgins moved the claims presented be allowed for payment.
Seconded by Board Member Curtis.

*****CLAIMS*****

Water Chairman Curtis stated he didn't have anything for the Board.

Rich Demarco with Johnson Controls approached the Board and stated they have been working on the Demolition, pipes, pumps, new wiring and are currently 95% done with the piping and 95% done with the electrical. He stated everything seems to be working fine. He stated they are waiting for the Army Corp of Engineers for the permit for the 2nd phase.

He asked if there were any questions.
There were none.

Superintendent Gray approached the board. He stated that the 1 lift station is done and that on Tuesday night they lost pump #5. He stated the panel was getting hot. He stated it is a race to see if #4 or #5 will kick out. Superintendent Gray stated he hope this gets done earlier.

Superintendent Gray stated on Friday they lost the actionator on the Lamella. He stated it will be a couple of weeks for the replacement. He stated they are currently using a normatic actionator and a contractor's air compressor.

Superintendant Gray stated before them is a map of Creekside Drive. He stated it shows a 12 inch PVC main and shows where the trailer park tied in on a 4 inch line. He stated the trailer park is

shut down and things are in default. He stated there is a customer Mr. Embrey on the other side of the creek and if they shut this off there will be no water to Mr. Embry. He stated the well water is not any good there. Superintendant Gray stated he would like to work with Jim Davis in order to take ownership to the line in yellow. He would like to cut the line at both ends on the north loop. He stated he would have Mr. Embry pay a \$800.00 tap and a meter pit would come off main. He stated this then makes Mr. Embry a water customer, he would like for property owner to grant easement to City and then the City takes ownership.

Board Member Curtis stated cutting everything off with no connections to the old line makes sense.

Superintendant Gray stated the legal for the easement is the only out of pocket.

Board Member Hoehn asked if Davis own this.

Superintendant Gray stated no, the owner lives in Indianapolis, but the owner agrees to give us easement and are currently the owners of the line. He stated Mr. Embry is getting water from us thru the trailer park.

Board Member Hoehn asked if this will be metered.

Superintendent Gray stated he will remove the big meter and replace it with a smaller one.

Attorney Higgins stated we will need signed documents and packets.

Superintendent Gray stated he will treat this as a new customer.

Board Member Curtis makes a motion to allow Superintendent Gray to proceed based on his ability to get easement.

Seconded by Board Member Hoehn.

Mayor Tucker asked if there were any questions.

There were none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried.

Mayor Tucker asked if the Clerk-Treasurer had any communication for the board.

Clerk-Treasurer Dike replied not at this time.

Mayor Tucker stated there are no legals on the agenda.

Mayor Tucker stated next is presentations from the audience. He stated Steve Kopsolias is here tonight to ask for a request for a water tap.

Steve Kopsolias stated he is here representing Quality Magnetite. He stated they are a new business located at 6401 Leonard Road. He stated they are owned by Energy Partners out of Houston Texas. He stated his company will have 8 people to start up to 20-22 maximum. He stated they are spending 3.4-4 million to build and need water.

Board Member Curtis stated he was at the board of works and stated this is not processed.

Mr. Kopsolias stated this is for drinking, showers and to maintain water in a truck at about 1500 gallons.

Superintendent Gray stated this is a 12 inch main running E-W on the old highway. He stated the Leonard Road/highway pressure is good. He stated they would need to get across the tracks. He stated the best way would be to run a 6 inch main under the tracks.

Superintendent Gray stated the bore would cost about \$20,000.

Mr. Kopsolias stated they would be willing to help with the cost.

Board Member Hoehn asked if they would be willing to help with a percentage.

Mr. Kopsolias stated they would be more than happy with 50/50 if the total is not ridiculous. He stated they will work with the City.

Board Member Hoehn asked about the sewer side.

Board Member Curtis stated it is not commercial use; he was given approval for sewer tap after a written statement of use with maximum plug. He stated we don't want to overload the system.

Board Member Fuelling stated that Superintendent Givens stated it could handle it easily.

Board Member Hoehn asked if it would be pressure lines.

Steve Kopsolias stated yes.

Superintendent Givens stated they will tap into our old B&M lift station. He stated the lift station will handle it.

Board Member Higgins asked about the warehouse.

Mr. Kopsolias stated everything is dry.

Superintendent Givens stated they will have to talk to Attorney Higgins before approval.

Attorney Higgins stated the two bores have to be a certain distant apart.

Superintendent Gray stated yes a 10 foot separation.

Board Member Curtis stated if we do the bores at the same time there might be a cost savings.

Board Member Hoehn asked what Magnetite is used for.

Steve Kopsolias stated it is used in the mines. He stated it helps separate ash, clay and rock by gravity bath and by washing coal. He stated they will size it and haul it out in tankers.

Board Member Hoehn stated so it is a separation agent.

Mr. Kopsolias stated they can use it to make steel and it can be used to purify drinking water. He stated there is no danger with it, it will not explode.

John Taylor with economic development stood up in the audience and stated that Vectren is going to install a new sub-station because they are coming.

Board Member Curtis makes a motion to approve Quality Magnetite to tap into water.

Seconded by Board Member Hoehn.

Roll call vote was taken by Clerk-Treasurer Dike: Councilwoman Shelton – absent, Councilman Fuelling – yes, Councilman Hoehn – yes, Councilman Curtis – yes, Councilwoman Higgins – yes.

Mayor Tucker reported the motion carried unanimously.

Mayor Tucker stated that Mr. Kopsolias needed to get with Water Superintendent Gray, Sewage Superintendent Givens and Attorney Higgins.

Attorney Higgins stated she is assuming with the cost involved from the water side they will get with Chuck Gray.

Superintendent Gray stated he makes sense to extend main under tracks with a 6 inch line.

Mr. Kopsolias stated he hopes to be in operation in late October or November.

Mayor Tucker asked if there were any questions.
There were none.

Mayor Tucker asked if anyone had anything under old business.
There was no response.

Mayor Tucker asked if anyone had anything under new business.
There was no response.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Member Fuelling moved the meeting be adjourned.
Seconded by Member Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Denise Dike
Clerk-Treasurer

July 26, 2012

The Common Council met immediately following Water Utility Board at 7:00pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and Members Fuelling, Hoehn, Curtis and Higgins attending. Member Shelton was absent. Others attending were Attorney Higgins, Chief Beloit, Chief Dixon, Superintendent Gray, Street Commissioner Maynard,

Sewer Superintendent Givens, Tom Hogan – Johnson Controls, Rich Demarco – Johnson Controls, Judy Thomann – BLA, Larry Williams, Mindy Bourne – Area Plan, Ed Adams, Steve Kopsolias, Ann Fisher, Nancy Sexton, Sara Manifold – Mt. Vernon Democrat, Pam Robinson – Posey County News.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added it not, he entertains a motion to waive the reading and approve the minutes as presented.

Councilman Hoehn moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion.
There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street and Light Chairman Fuelling – stated he had no report.

Commissioner Maynard stated they will be paving streets in the next week. He stated there are 9 areas. He stated they will be putting fliers in neighborhoods for cars/trailers that need to be removed from the street for paving.
He stated he just wanted to let everyone know he received a call that the 4 way light is out at the shopping center due to the weather. He wanted to tell everyone to be careful when going home.

Police and Dog Chairman Shelton – was absent.
Chief Beloat stated he had no report.

Fire Chairman Higgins – stated she had no report.
Chief Dixon stated he had no report.

Sewer Chairman Hoehn – stated he had no report.

Superintendent Givens stated he just wanted to report that the sewer projects are moving along well. He stated they started up the new equipment yesterday and filled the aerator up for a trial run. He stated there were a few minor issue, but should be back on track next week.

Mayor Tucker asked if the Clerk-Treasurer had anything for the Council.
Clerk-Treasurer Dike replied no.

Mayor Tucker stated the next item on the agenda is the legals. He stated we have Mindy Bourne from Area Plan here to present an ordinance replacing chapter 153 code of laws of the City of Mt. Vernon, Indiana, The Zoning Code.

Mindy Bourne approached the Council and told them that Area Plan has been reviewing and reworking the entire county zoning codes. She stated they have had a public hearing and now they have sent out ordinances to all municipalities.

Attorney Higgins stated there are three copies on file in the Clerk's Office if anyone would like to stop and look at them.

Mrs. Bourne stated she has them in electronic format if that would be easier.

Attorney Higgins stated that if they decide to adopt the ordinance they will adopt it with the exception of the flood plain section.

Mrs. Bourne stated she would like the Council to approve the ordinance with exception of the flood section. She stated this section had a few clerical changes. She stated these clerical changes are little. She passed around a handout with highlighted areas of the changes. She stated the highlights in yellow have notes to the side of what needs to be changed.

Attorney Higgins stated this needs 3 readings and we need to have at least 2. They will take the proposed with the exception of the changes and send back to area plan commission. She stated the proposed ordinance can be amended with the flood plain.

Councilman Curtis stated he sat in on this board.

Councilman Curtis makes a motion to accept the plan as presented with the exception of the revised flood plain section.

Seconded by Councilman Fuelling.

Mrs. Bourne stated she needs to make sure that if they pass this they approve this to be effective 9/1/12 because she wants all the municipalities to adopt on the same date.

Councilman Curtis amends his motion to accept the plan as presented with the exception of the revised flood plain section to be effective 9/1/12.

Seconded by Councilman Fuelling.

Councilman Hoehn stated he has a problem with the section regarding signs. He stated if it is illegal under the old ordinance you can't grandfather it legal.

Mrs. Bourne stated they have been grandfathered in.

Attorney Higgins stated that grandfathering them in doesn't make it legal. If they make changes it must be brought up to code.

Mrs. Bourne stated they are non-conforming until the change.

Councilman Hoehn asked why grandfather?

Councilman Curtis stated he was on this board and signs were debated for at least 4 or 5 hours.

Mrs. Bourne stated she knows there are issues with the signs and they talked about it for a long time.

Councilman Hoehn stated most signs are not in compliance in the City. He stated that Lamar comes in here and puts signs up that are not in compliance. He stated he would like to see that part changed. He asked what do we want our City to look like. What is the general direction.

Mrs. Bourne stated the ordinance is for everyone Mt. Vernon, Cynthiana, Poseyville, and unincorporated Posey County. She asked do you want to change only Mt. Vernon.

Councilman Fuelling stated he thinks the new ordinance has more teeth.

Councilman Hoehn stated as you go thru town, what do you really want.

Councilman Curtis stated the paperwork has what the committee wanted with public input.

Councilman Hoehn stated he would like to see a time period to get them into compliance.

Councilman Curtis stated it was the intent of the group to consolidate with the best intentions.

Attorney Higgins stated to look at the non conforming section 153.200 when looking at this electronically.

Councilman Hoehn stated he would like to table this for now.

Councilman Curtis stated if this does not pass, Mindy doesn't have time to do what she needs to do.

Councilman Hoehn stated he would clarification that grandfathering this cannot make it legal. He would like something on the record.

Attorney Higgins stated it uses the language lawfully existing. She stated she needs to look at the language adopting as is, she needs to see if it defines lawfully existing.

Councilman Hoehn stated grandfathering doesn't make it legal under old. He wants clarification.

Attorney Higgins stated she needs to read it to see if the term is addressed.

Mayor Tucker stated there is a motion and a second on the floor and asked for roll call vote.

Roll Call was taken by Clerk-Treasurer Dike: Councilwoman Shelton – absent, Councilman Fuelling – yes, Councilman Hoehn – no, Councilman Curtis – yes, Councilwoman Higgins – yes.

Mayor Tucker stated the next item on the agenda is presentation from the audience he stated Judy Thomann with BLA is here to discuss ADA regulations that were handed down to us. He stated we have to have an ADA plan and BLA will do this for us. He stated if we don't do this we won't be in compliance with ADA and we will not be eligible for Federal Transportation grants.

Mrs. Thomann stated she was at the Board of Works and they gave approval for Milestone #1. She stated that Mt. Vernon is 1 of a few communities that did have a plan in place. She stated they had one in 1992 but they didn't update it. She stated that BLA was trying to figure out how to make this inexpensive for communities.

She stated they were going to adopt INDOT standards but INDOT doesn't meet the ADA standards. She stated that the City is going to have to appoint a coordinator and put a committee together and discuss grievance procedures.

Mrs. Thomann stated this is assisting the City and someone with disabilities. She stated that if they can't file a grievance locally they have to go to the Department of Justice. She stated that if the plan is not completed with Milestone 1,2,3,4 then we would not be eligible for highway dollars.

She stated this will also involve public meetings and hearings.

Mrs. Thomann stated they will also have the grievance on the City website as well as ADA and she will be working with Sherry on that.

Mayor Tucker asked if there were any questions.
There were none.

Mayor Tucker asked if there was anything under old business.
Attorney Higgins stated that the Council needs to think about a nomination to appoint someone to the RDC Board.

Mayor Tucker asked if anyone had anything else under old.

Councilwoman Higgins asked Attorney Higgins if the annexation had been looked at.

Attorney Higgins replied no.

Councilwoman Higgins discussed an item to add to the animal ordinance Attorney Higgins is working on. Attorney Higgins asked for everyone to look over the examples she had given them and just email her any ideas and what direction they would like for her to go.

Mayor Tucker asked if anyone had anything under new business.

Larry Williams approached the Council and wanted to talk to them about Christmas on Main Street. He stated that Christmas on Main Street last year had an excellent turnout. He stated they handed out around 250 presents. Mr. Williams stated that on Saturday 8/28 from 10am-2pm they will be raising money for this year's Christmas on Main Street. Mr. Williams stated anyone who donates a toy with a value of \$7-10 will get a free hot dog and bag of chips, he stated while you are there stop in to register to win 2 Holiday World tickets. He also stated IGA will donate .50 for every customer who shops on July 28th. He stated the girls are selling tickets inside and have sold 835. He stated they will be accepting donations and toys. Larry Williams stated at 2:00pm someone will be dressing up.

He stated they still need help with cooks and grocery carry out.

Mayor Tucker asked if there were any questions.
There were none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Shelton- was absent.

2nd District Councilman Fuelling – stated he has no report.

3rd District Councilman Hoehn – stated he has no report.

4th District Councilman Curtis – stated he has no report.

Councilwoman-at-Large Higgins – stated she has no report.

Mayor Tucker asked if there were any questions.

There were none.

Mayor Tucker stated under Announcements he just wanted to announce that Christmas Main Street has gotten bigger every year. He stated there is no way to do this without volunteers.

Larry Williams stated they are 5 weeks from River Days and this year we have lights and power at the riverfront along with 8 new picnic tables.

Mayor Tucker asked if there were any questions.

There were none.

Mayor Tucker stated if there is no further business he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned.

Seconded by Councilman Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Denise Dike
Clerk-Treasurer